THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 4265 OF 2006

06-03-2006

Between:

M/s.Devika Agencies, Tirupathi, Chittoor District, rep. by its Proprietor.

……Petitioner

And

The Joint Commissioner of Commercial Taxes (Legal), Nampally, Hyderabad & Others.

…..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 4265 OF 2006

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay

was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner by or before 31.3.2006. Till 31.3.2006, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited by or before 31.3.2006. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly.

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(BILAL NAZKI, J)

6th March 2006

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(G.CHANDRAIAH, J)

N.B:

C.C. in two days.

(B/o)

ajr